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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,310	11/10/2003	Glyn Ottofy	4332P2728	4420

23504 7590 04/30/2007

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EXAMINER	
KARKHANIS, AASHISH	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/705,310	OTTOFY, GLYN	
	Examiner	Art Unit	
	Aashish Karkhanis	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-16 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4 – 7, 10 – 12 and 15 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. Patent 6,142,872).

Regarding Claims 1 and 11 – 12, Walker discloses a team gaming tournament method and apparatus including providing a computer network including a server including a memory for storing program instructions and data, a processor coupled to said memory for executing said program instructions, wherein said program instructions include program instructions and at least one end-user computer coupled to said server via a network connection (col. 6, lins. 61 – 64), wherein said end-user computer has a graphical display portion adapted to display a browser window, displaying a game of a gaming tournament in said browser window (fig. 4, elem. 410; fig. 5, elem. 510; where a game window shows a browser with game information), permitting a plurality of users to enter said game of said gaming tournament, forming a plurality of teams of at least one user from said plurality of users entered in said gaming tournament (col. 4, lins. 28 – 31), sending user input from said plurality of users to said server (col. 4, lins. 38 – 40; where a slot server can detect and process player input), calculating a placement finish for each of said plurality of teams in said gaming tournament in conformity with a

predetermined formula having dependence on both a number of users on each of said plurality of teams and a performance of each said plurality of users (col. 6, lins. 12 – 34; where a placement finish is calculated by taking the greatest win score of a team of players of least loss score of a team of players and applying that score as the team result).

Regarding Claims 4 and 15, Walker discloses a method and program instructions including receiving an entrance fee from at least on of said plurality of players and said plurality of teams in order for each said plurality of teams to enter said gaming tournament and paying at least one of said plurality of teams and at least one of said plurality of players an award in conformity with at least one of a performance of each said plurality of teams and a performance of each said plurality of players, said award in conformity with a percentage of a total amount of said entrance fees received (col. 6, lins. 12 – 34; where an award of 100 coins is given, for example, when each player has entered 100 coins to buy into a game).

Regarding Claims 5 and 16, Walker discloses a method and program instructions including paying a predetermined amount of said percentage as an award to teams having at least two players and paying a predetermined amount of said percentage as an award to teams having one player (col. 5, lins. 3 – 13; where payouts are different whether conventional single player or team gaming is played).

Regarding Claims 6 – 7 and 17 – 18, Walker discloses a method wherein said gaming tournament is a poker tournament, and includes at least one poker game of at least one of Texas Holdem, Seven Card Stud Hi, Seven Card Stud Hi/Low, Five Card

Stud, Omaha Hi, and Omaha Hi/Low (col. 4, lins. 24 – 26; where a generic video poker game may inherently include many different popular types of poker games).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 8 – 9 and 19 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker.

Regarding Claims 8 – 9 and 19 – 20, Walker discloses a method and program instructions including a team play poker system, but does not disclose limiting a number of said plurality of players to enter said gaming tournament to a predetermined number, requiring each said plurality of teams to comprise a predetermined minimum number of players, and limiting each said plurality of teams to a predetermined maximum number of players, in order to restrict access to a maximum number of players. Walker does disclose player caps for the maximum number of players for increased security, as well as maintaining a manageable number of players per team. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the team game play poker device of Walker with player scoring with player entry controls in order to create a more secure gaming environment for a casino.

3. Claims 2 – 3 and 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Marks et al. (U.S. Patent 5,755,621).

Regarding Claims 2 – 3 and 13 – 14, Walker discloses a method of and program instructions for placement finish including assigning a finish number to each said plurality of players (col. 6, lins. 12 – 20; where a finish number is a player game score). However, Walker does not disclose finishing numbers reflecting a win/loss order, or equalization numbers. However, Marks teaches said finish number being equivalent to an order that each said plurality of players is eliminated from said tournament relative to other said plurality of players, assigning a finish equalization number to each said plurality of teams, said finish equalization number being equivalent to a maximum number of players allowed per each said plurality of teams divided by an actual number of players per each said plurality of teams (col. 20, lins. 15 – 22; where each player is ranked based on the outcome of the current round of the tournament), assigning an equalization number to each said plurality of players, said equalization number being equivalent to a multiplication of said finish number of each said plurality of players of a team and said finish equalization number of said team, calculating a team placement finish, wherein each said plurality of teams having a placement finish equivalent to a sum of said equalization number for each of said plurality of players of each said plurality of teams wherein a higher number corresponds to a higher team placement finish, and assigning said finish number only to each said plurality of players finishing in a predetermined number of places in said gaming tournament (col. 20, lins. 15 – 22; where player rankings for players that have not been eliminated in each round of the tournament are constantly updated with the player's relative ranking in a smaller group of competitors, for example, player may be ranked out of 30 for an early round, but only

out of 10 for a later round) in order to increase excitement and competition among players, as well as extend the multiplayer and group play beyond teams into a competitive setting.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the team game play poker device of Walker with player scoring with the poker tournament game system with player ranking of Marks in order to increase excitement and competition among players, as well as extend the multiplayer and group play beyond teams into a competitive setting.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

Applicant maintains that the claimed invention distinguishes over the prior art because Walker does not disclose a live poker game played by a human player against other human players. The examiner respectfully disagrees. Walker does disclose a multiplayer poker environment where players compete against each other in real time, creating a 'live' poker environment where players play against each other, as discussed above and further where teams may compete with each other in a real-time live gaming environment (col. 4, lins. 45 – 67). Additionally, Applicant uses the example of "bluffing" as a requirement for live real-time poker play, but does not discuss how bluffing is a necessary requirement for a live poker game as disclosed by Walker.

Applicant also maintains that the claimed invention distinguishes over the prior art because Walker does not teach caps for the number of players involved in a game. However, Walker does disclose having a 1, 2, or 3 player team with associated payout

(fig. 11) for each differently sized team. Since Walker does disclose player caps for the maximum number of players for increased security, as well as maintaining a manageable number of players per team, it would have been obvious to modify Walker to include arbitrarily sizes teams and arbitrarily sized groups of team for those same reasons. That Applicant cited another reason for combination not cited by the examiner: increasing player excitement, is irrelevant to the fact that other motivations exit.

Finally, Applicant maintains that the claimed invention distinguishes over the prior art because no motivation exists to combine Walker in view of Marks. The examiner respectfully disagrees. As discussed above, Walker may be combined with Marks in order to increase excitement and competition among players, as well as extend the multiplayer and group play beyond teams into a competitive setting.

Therefore, for the reasons given above, Claims 1 –5, 7 – 16 and 18 – 20 stand rejected.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

CORBETT B. COBURN
PRIMARY EXAMINER